

1 Thomas W. Davis, II  
2 HOWARD & HOWARD  
3 Wells Fargo Tower, Suite 1000  
4 3800 Howard Hughes Parkway  
5 Las Vegas, NV 89169-5980  
6 Telephone: (702) 257-1483  
7 Facsimile: (702) 567-1568  
8 Email: tdavis@howardandhoward.com

9 Lewis K. Loss  
10 Matthew J. Dendinger  
11 Richard W. Boone Jr.  
12 LOSS, JUDGE & WARD, LLP  
13 Two Lafayette Centre  
14 1133 21st Street, NW, Suite 450  
15 Washington, DC 20036  
16 Telephone: (202) 778-4060  
17 Facsimile: (202) 778-4099  
18 Email: lloss@ljwllp.com  
19 mdendinger@ljwllp.com  
20 rboone@ljwllp.com

21 Attorneys for Progressive Casualty Insurance Company

22 **UNITED STATES DISTRICT COURT**  
23 **DISTRICT OF NEVADA**

24 PROGRESSIVE CASUALTY  
25 INSURANCE COMPANY,

Plaintiff,

v.

JACKIE K. DELANEY; LARRY E.  
CARTER; MARK A. STOUT; KENNETH  
TEMPLETON; JOHN SHIVELY;  
STEVEN C. KALB; JEROME F.  
SNYDER; HUGH TEMPLETON; RICK  
DRESCHLER; and the FEDERAL  
DEPOSIT INSURANCE CORPORATION  
as receiver for SUN WEST BANK,

Defendants.

Case No. 2:11-CV-00678-LRH-PAL

**JOINT UNOPPOSED MOTION BY  
PROGRESSIVE CASUALTY  
INSURANCE COMPANY AND  
FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER FOR  
SUN WEST BANK FOR AN  
EXTENSION OF THE BRIEFING  
SCHEDULE AND HEARING DATE  
REGARDING MOTION TO COMPEL**

///

1 NOW COME Plaintiff Progressive Casualty Insurance Company (“Progressive”)  
2 and Defendant Federal Deposit Insurance Corporation as Receiver for Sun West Bank  
3 (“FDIC-R”), by and through their undersigned counsel, and file this joint unopposed  
4 motion for an extension of the briefing schedule and hearing date regarding the FDIC-R’s  
5 Motion to Compel Discovery Responses (DE 68). In support of this motion, Progressive  
6 and the FDIC-R state as follows:

7 On October 25, 2013, the FDIC-R filed under seal a Motion to Compel Discovery  
8 Responses. (DE 68). Progressive’s response to that motion presently is due by next  
9 Tuesday, November 12, 2013, and the FDIC-R’s reply in support is due by Friday,  
10 November 22, 2013. On November 6, 2013, the Court entered an order setting the FDIC-  
11 R’s motion for hearing on Tuesday, December 3, 2013 at 10:30 a.m. (DE 71).

12 Due to the press of business pertaining to other declaratory judgment actions in  
13 which Progressive and the FDIC, in its capacity as receiver for a failed bank, are  
14 involved, Progressive respectfully requests an extension of time until November 20, 2013  
15 for Progressive to file its response to the FDIC-R’s Motion to Compel Discovery  
16 Responses. Due to the Thanksgiving holiday, the FDIC-R respectfully requests an  
17 extension of time until December 3, 2013 for the FDIC-R to file a reply brief in support  
18 of its motion.

19 Because these extensions, if granted, would cause briefing on the motion to be  
20 completed on the currently scheduled hearing date, Progressive and the FDIC-R likewise  
21 respectfully request that the Court reschedule the hearing for Tuesday, December 10,  
22 2013 or the earliest date thereafter that is convenient for the Court.<sup>1</sup>

23  
24  
25 <sup>1</sup> Counsel for Progressive will be on vacation for the holidays from December 23, 2013 through January 1,  
2014 and would appreciate this matter not be scheduled for a hearing during that timeframe. If necessary,  
though, Progressive’s counsel can make himself available during this period.

Counsel for Progressive has confirmed that this motion is unopposed by the other parties to this action.

Respectfully submitted this 8th day of November, 2013.

HOWARD & HOWARD

LEE, HONG, DEGERMAN, KANG  
& WAIMEY

By /s/ Thomas W. Davis, II  
Thomas W. Davis, II  
Wells Fargo Tower, Suite 1000  
3800 Howard Hughes Parkway  
Las Vegas, NV 89169

By /s/ Eric D. Olson  
Eric D. Olson (*pro hac vice*)  
1920 Main Street, Suite 900  
Irvine, CA 92614

LOSS, JUDGE & WARD, LLP  
Lewis K. Loss (*pro hac vice*)  
Matthew J. Dendinger (*pro hac vice*)  
Richard W. Boone, Jr. (*pro hac vice*)  
Two Lafayette Centre  
1133 21st St., NW, Suite 450  
Washington, DC 20036

MORRIS LAW GROUP  
Robert McCoy  
Joni A. Jamison  
900 Bank of America Plaza  
300 South Fourth Street  
Las Vegas, NV 89101

*Attorneys for Progressive Casualty  
Insurance Company*

DICKSTEIN SHAPIRO LLP  
Andrew M. Reidy (*pro hac vice*)  
Catherine J. Serafin (*pro hac vice*)  
1825 Eye Street NW  
Washington, DC 20006

*Attorneys for Federal Deposit Insurance  
Company, as Receiver for Sun West Bank*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8th day of November, 2013, I served the above JOINT UNOPPOSED MOTION BY PROGRESSIVE CASUALTY INSURANCE COMPANY AND FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR SUN WEST BANK FOR AN EXTENSION OF THE BRIEFING SCHEDULE AND HEARING DATE REGARDING MOTION TO COMPEL pursuant to Fed. R. Civ. P. 60(b) through the CM/ECF system of the United States District Court for the District of Nevada upon counsel for all parties of record in this action.

Barbara Dumm

An Employee of Howard & Howard

**ORDER**

**IT IS SO ORDERED** that Progressive shall have until November 20, 2013 to file its response to the FDIC-R's Motion to Compel Discovery Responses, and the FDIC-R shall have until December 3, 2013 to file a reply in support of that motion. The hearing on this motion currently scheduled for Tuesday, December 3, 2013 at 10:30 a.m. is rescheduled for December 10, 2013 at 9:30 a.m. in LV Courtroom 3B before Magistrate Judge Peggy A. Leen.

Dated this 12th day of November, 2013.

A handwritten signature in blue ink, reading "Peggy A. Leen", written over a horizontal line.

United States Magistrate Judge